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SANTA FE TRAIL AND NEW JERSEY WILD AND SCENIC RIVERS

HEARING

BEFORE THE
SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS
AND FORESTS

OF THE
COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

ONE HUNDREDTH CONGRESS

FIRST SESSION

ON

S. 349

A BILL TO DESIGNATE THE SANTA FE TRAIL AS AN HISTORIC TRAIL UNDER THE NATIONAL
TRAILS SYSTEM ACT

H.R. 240

AN ACT TO AMEND THE NATIONAL TRAILS SYSTEM ACT TO DESIGNATE THE SANTA FE TRAIL AS A
NATIONAL HISTORIC TRAIL

S. 251

A BILL TO DESIGNATE CERTAIN SEGMENTS OF THE MAURICE, THE MANANTICO, AND THE MANU-
MUSKIN RIVERS IN NEW JERSEY AS STUDY RIVERS FOR INCLUSION IN THE NATIONAL WILD
AND SCENIC RIVERS SYSTEM

H.R. 14

AN ACT TO DESIGNATE CERTAIN RIVER SEGMENTS IN NEW JERSEY AS STUDY RIVERS FOR
POTENTIAL INCLUSION IN THE NATIONAL WILD AND SCENIC RIVERS SYSTEM

MARCH 27, 1987



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SANTA FE TRAIL AND NEW JERSEY WILD AND SCENIC RIVERS

FRIDAY, MARCH 27, 1987

**U.S. SENATE,
SUBCOMMITTEE ON PUBLIC LANDS,
NATIONAL PARKS AND FORESTS,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
*Washington, DC.***

The subcommittee met, pursuant to notice, at 11 a.m., in room SD-366, Dirksen Senate Office Building, Hon. Bill Bradley presiding.

OPENING STATEMENT OF HON. BILL BRADLEY, A U.S. SENATOR FROM THE STATE OF NEW JERSEY

Senator BRADLEY. The hearing will come to order. The purpose of today's hearing is to seek testimony on several measures pending before the Public Lands, National Parks and Forests Subcommittee.

The measures are S. 349 and its House companion H.R. 240, bills to designate the Santa Fe National Historic Trail and S. 251 and its House companion H.R. 14, bills to designate certain segments of three rivers in New Jersey for a study for possible inclusion in the Wild and Scenic Rivers System.

I will place copies of these proposals in the hearing record.

Following the hearing today, the record will be open for ten additional days for the submission of written statements or other material. It would be my hope that after consultation with the Subcommittee Chairman, Senator Bumpers, these measures could be considered by the full committee prior to the April recess.

Both of these proposals passed the House last year, and are to the best of my knowledge relatively non-controversial.

Before turning to our first witness today, I have a brief statement that I would like to make regarding S. 251, the New Jersey Wild and Scenic River Study proposal.

This legislation is identical to a bill Senator Lautenberg and I introduced last Congress. Its purpose is to direct the Department of Interior to study the potential addition of the Maurice River, the Menantico Creek, and the Manumuskin River in South New Jersey to the National Wild and Scenic Rivers System.

Companion legislation was introduced by Congressman Bill Hughes in the House of Representatives. This legislation was very recently approved by the full House.

The National Wild and Scenic River Act enacted in 1968 offered the first Federal protection for the Nation's rapidly disappearing network of free-flowing rivers and streams.

This landmark law preserves selected rivers and river corridor landscapes which possess outstanding scenic, recreational, historic and cultural values.

I believe the Maurice, Manumuskin and Menantico rivers have just those kind of unique resources. As early as 1977 each of these rivers was recommended for inclusion in the national inventory of scenic rivers by the commissioner of the New Jersey Department of Environmental Protection.

The Maurice River has its headwaters in small tributaries in Gloucester and Salem Counties. In its progress towards the Delaware Bay, the river meanders through wooded and wetland terrain. As the river nears the Bay, it widens and becomes tidal. The river winds in broad loops past the communities of Laurel Lake, Port Elizabeth, Mauricetown, Dorchester, Leesburg, Shell Pike and Bivalve. The Menantico and Manumuskin Rivers also have a rich diversity, passing through fresh water wetlands, swamp forest, upland forest, and local communities.

These rivers host a variety of plant and animal life, including a number of threatened and endangered species. Additionally, this river area is lauded as one of the finest for canoeing in the coastal region and is recognized for its pristine water quality. I can give personal testimony to those, having made the trip myself.

Those who live in South Jersey would like to assure that the rivers' water quality and recreational opportunities are maintained through sound planning and management. The Wild and Scenic Rivers Act would help provide this protection through the development of a management plan. The proposed study has the support of all the local municipalities and citizens, as the testimony today, I think will make clear.

The Wild and Scenic Rivers Act has been successful in preserving a number of our nation's free flowing rivers. The Maurice, the Menantico and the Manumuskin Rivers are excellent candidates for the preservation and protection afforded by this Act.

[The texts of the bills follow:]

100TH CONGRESS
1ST SESSION

S. 349

To designate the Santa Fe Trail as an Historic Trail under the National Trails System Act.

IN THE SENATE OF THE UNITED STATES

JANUARY 21 (legislative day, JANUARY 20), 1987

Mrs. KASSEBAUM (for herself, Mr. ARMSTRONG, Mr. BINGAMAN, Mr. BOND, Mr. BOREN, Mr. DANFORTH, Mr. DOLE, Mr. DOMENICI, Mr. HOLLINGS, Mr. McCLURE, Mr. NICKLES, and Mr. WIRTH) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To designate the Santa Fe Trail as an Historic Trail under the National Trails System Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. DESIGNATION.**

4 (a) DESIGNATION.—Section 5(a) of the National Trails
5 System Act (16 U.S.C. 1244(a)) is amended by adding the
6 following new paragraph at the end thereof:

7 “(14) The Santa Fe National Historic Trail, a trail of
8 approximately 950 miles from a point near Old Franklin,
9 Missouri, through Kansas, Oklahoma, and Colorado to Santa

1 Fe, New Mexico, as generally depicted on a map entitled
2 'The Santa Fe Trail' contained in the Final Report of the
3 Secretary of the Interior pursuant to subsection (b) of this
4 section, dated July 1976. The map shall be on file and avail-
5 able for public inspection in the office of the Director of the
6 National Park Service, Washington, District of Columbia.
7 The trail shall be administered by the Secretary of the Inte-
8 rior. No lands or interests therein outside the exterior bound-
9 aries of any federally administered area may be acquired by
10 the Federal Government for the Santa Fe Trail except with
11 the consent of the owner thereof. Before acquiring any ease-
12 ment or entering into any cooperative agreement with a pri-
13 vate landowner with respect to the trail, the Secretary shall
14 notify the landowner of the potential liability, if any, for
15 injury to the public resulting from physical conditions which
16 may be on the landowner's land. The United States shall not
17 be held liable by reason of such notice or failure to provide
18 such notice to the landowner. So that significant route seg-
19 ments and sites recognized as associated with the Santa Fe
20 Trail may be distinguished by suitable markers, the Secretary
21 of the Interior is authorized to accept the donation of suitable
22 markers for placement at appropriate locations".

23 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
24 10(c)(2) of such Act (16 U.S.C. 1249(c)(2)) is amended by
25 striking out "(13)" and inserting in lieu thereof "(14)".

○

100TH CONGRESS
1ST SESSION

H. R. 240

IN THE SENATE OF THE UNITED STATES

MARCH 12, 1987

Received, read twice and referred to the Committee on Energy and Natural
Resources

AN ACT

To amend the National Trails System Act to designate the
Santa Fe Trail as a National Historic Trail.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. DESIGNATION.**

4 (a) **DESIGNATION.**—Section 5(a) of the National Trails
5 System Act (16 U.S.C. 1244(a)) is amended by adding the
6 following new paragraph at the end thereof:

7 “(15) The Santa Fe National Historic Trail, a trail of
8 approximately 950 miles from a point near Old Franklin,
9 Missouri, through Kansas, Oklahoma, and Colorado to Santa
10 Fe, New Mexico, as generally depicted on a map entitled
11 ‘The Santa Fe Trail’ contained in the Final Report of the

1 Secretary of the Interior pursuant to subsection (b) of this
2 section, dated July 1976. The map shall be on file and avail-
3 able for public inspection in the office of the Director of the
4 National Park Service, Washington, District of Columbia.
5 The trail shall be administered by the Secretary of the Interi-
6 or. No lands or interests therein outside the exterior bound-
7 aries of any federally administered area may be acquired by
8 the Federal Government for the Santa Fe Trail except with
9 the consent of the owner thereof. Before acquiring any ease-
10 ment or entering into any cooperative agreement with a pri-
11 vate landowner with respect to the trail, the Secretary shall
12 notify the landowner of the potential liability, if any, for
13 injury to the public resulting from physical conditions which
14 may be on the landowner's land. The United States shall not
15 be held liable by reason of such notice or failure to provide
16 such notice to the landowner. So that significant route seg-
17 ments and sites recognized as associated with the Santa Fe
18 Trail may be distinguished by suitable markers, the Secretary
19 of the Interior is authorized to accept the donation of suitable
20 markers for placement at appropriate locations."

21 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
22 10(c)(2) of such Act (16 U.S.C. 1249(c)(2)) is amended by
23 inserting "and (15)" after "(13)".

Passed the House of Representatives March 10, 1987.

Attest:

DONNALD K. ANDERSON,

Clerk.

100TH CONGRESS
1ST SESSION

S. 251

To designate certain segments of the Maurice, the Manantico, and the Manumuskin Rivers in New Jersey as study rivers for inclusion in the national wild and scenic rivers system.

IN THE SENATE OF THE UNITED STATES

JANUARY 6, 1987

Mr. BRADLEY (for himself and Mr. LAUTENBERG) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To designate certain segments of the Maurice, the Manantico, and the Manumuskin Rivers in New Jersey as study rivers for inclusion in the national wild and scenic rivers system.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. DESIGNATION AS STUDY RIVERS.**

4 Section 5(a) of the Wild and Scenic Rivers Act (16
5 U.S.C. 1276(A)) is amended by adding at the end thereof of
6 the following:

7 **"(92) MAURICE, NEW JERSEY.—**The segment from
8 Shell Pile to the point three miles north of Laurel Lake.

1 “(93) MANUMUSKIN, NEW JERSEY.—The segment
2 from its confluence with the Maurice River to the crossing of
3 State Route 49.

4 “(94) MANANTICO CREEK, NEW JERSEY.—The seg-
5 ment from its confluence with the Maurice River to its
6 source.



100TH CONGRESS
1ST SESSION

H. R. 14

IN THE SENATE OF THE UNITED STATES

MARCH 11, 1987

Received; read twice and referred to the Committee on Energy and Natural
Resources

AN ACT

To designate certain river segments in New Jersey as study rivers for potential inclusion in the national wild and scenic river system.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. DESIGNATION AS STUDY RIVERS.

4 Section 5(a) of the Wild and Scenic Rivers Act (16
5 U.S.C. 1276(a)) is amended by adding at the end thereof the
6 following:

7 “(96) MAURICE, NEW JERSEY.—The segment from
8 Shell Pile to the point three miles north of Laurel Lake.

Attest: DONNALD K. ANDERSON,
Clerk.

Senator BRADLEY. At this time, I would ask Senator Domenici if he has any opening statement that he would like to make, or comments relating to the two matters before the committee.

Senator DOMENICI. Thank you very much, Mr. Chairman.

I know that we have two matters before us. You have a genuine interest in both, but obviously I have more of an interest in the Santa Fe Trail, and I would not want to comment on yours. I believe you know much more about it than I ever would. Obviously I would like just a few moments to talk about the Santa Fe Trail Bill.

I wonder if it might be fair, Mr. Chairman, I do have 15 or 20 minutes before my next meeting, if Senator Kassebaum, who is the original drafter in the Senate might be permitted to give her statement first, and then I would have a few remarks thereafter.

Senator BRADLEY. That would be fine. We want to try to expedite the witnesses. The other Senators who have come to testify by the order of their appearance, that is okay. I think Senator Lautenberg was here.

Senator LAUTENBERG. That is very kind, Mr. Chairman. I assume, I have looked at Senator Kassebaum's testimony, it is measured fairly thin, and I would say if that is the case, all right.

Senator BRADLEY. At this time then, we will call Senator Kassebaum.

Senator LAUTENBERG. Why don't we both come up here. Each of us coming from states with extensive wild and scenic areas.

Senator BRADLEY. We will welcome to the subcommittee Senator Kassebaum, proceed, and then Senator Lautenberg. I understand that Senator Wirth, who is a member of the committee desires to testify before the committee on this issue.

Senator WIRTH. I was going to come and reinforce the excellent judgment of our colleague from Kansas, Mr. Chairman.

Senator BRADLEY. Senator Kassebaum.

**STATEMENT OF HON. NANCY LANDON KASSEBAUM, A U.S.
SENATOR FROM THE STATE OF KANSAS**

Senator KASSEBAUM. Thank you very much, Mr. Chairman.

First, I am very appreciative of your considering this legislation. I have enjoyed the co-sponsorship and support of the Senator from New Mexico, Mr. Domenici and the Senator from Colorado, Mr. Wirth. Let's see, that would then be seven of those of us who have a special interest in the Santa Fe Trail.

The bill has a wide base of support from the states involved and communities near the Trail, other national trail associations, the Kansas Farm Bureau, for instance, and the Kansas Historical Society and private ranchers and farmers, perhaps more importantly.

This bill is identical to a House bill, which is introduced by Representative Hank Brown of Colorado, and Bill Richardson of New Mexico, and was passed by the House of Representatives on March 10, 1987.

I had introduced an identical bill during the 99th Congress, but unfortunately there was not time enough to schedule hearings.

The Santa Fe Trail is one of our best known trails. Those of us who have states which it runs through are very proud of this trail,

and yet it does not have national trail status. I would like to ask Mr. Chairman if my full remarks could be made a part of the record, and to expedite time I will not read it all.

Senator BRADLEY. Your full remarks will be made a part of the record.

Senator KASSEBAUM. This legislation gives the Santa Fe Trail national historic statue like the Oregon-California Trail or the Trail of Tears. It requires the Secretary of the Interior to submit to Congress a comprehensive management and use plan for the development of the trail, including the identification of all significant natural, historical and cultural resources which should be preserved, in compliance with the National Trail Systems Act.

It does not authorize the acquisition of land by the Federal government and recognizes the rights of the private landowners. Furthermore, it addresses the question of liability for those landowners who allow public access to private land. I think this is a very important part of this bill. During debate on this legislation in the House, several farmers and ranchers, one of whom we will be hearing from later this morning, expressed concern about the potential condemnation of easement rights-of-way provisions. Senate bill 249 addresses that concern by providing that no lands or interests outside the exterior boundaries of any federally administered area may be acquired by the Federal government for the Santa Fe Trail except with the consent of the owner.

This provision does not preclude the landowners from entering into an agreement of cooperation if they so desire.

Liability questions, as I say, are very important. While this legislation does not give the landowners absolute indemnity from questions of liability, it does stipulate that the Department of the Interior must notify individual landowners of any potential liability they may incur before entering into a cooperative agreement, or before any easement is acquired. It would be helpful, I believe, if an advisory council is created that includes representatives of the farming and ranching communities.

I would just say, Mr. Chairman, I think there are a couple of reasons why this legislation has importance.

One, it enhances the status of the Santa Fe Trail, and the areas through which this trail goes have been experiencing economic difficulties, and I think it would be a very positive way to not only reinforce our heritage and the importance of this historic trail, but improve tourism. That is not without consideration at this point. I am very proud of a place that is very close to my home in Kansas, which is the Last Chance Store in Council Grove, Kansas. It was the last point, and still stands there, in which provisions could be purchased there before arriving in New Mexico, or Texas.

Mr. Chairman, I believe that giving the Santa Fe Trail national trail status could have some very positive effects. I have two newspaper articles, which I would like to submit for the record.

Thank you very much, and would particularly like to thank you and the subcommittee staff for their assistance, and the co-sponsors.

[The prepared statement of Senator Kassebaum follows:]

SANTA FE TRAIL
Statement by Senator Nancy Landon Kassebaum
March 27, 1987

Mr. Chairman, I would like to thank you for considering this legislation and for allowing me to come testify on its behalf. The Santa Fe National Historic Trail bill, S. 349, enjoys the bipartisan support of nine other cosponsors who, like myself, represent constituents from the five states which comprise the Santa Fe Trail. The bill has a wide base of support from the states involved, communities near the trail, other national trail associations, the Kansas Farm Bureau and Kansas Historical Society, and private ranchers and farmers. This bill is identical to a House bill introduced by Representatives Hank Brown of Colorado and Bill Richardson of New Mexico and was passed on March 10, 1987. I introduced an identical bill during the 99th Congress, but unfortunately, there was not enough time to schedule hearings.

The Santa Fe Trail is one of our best-known trails, and yet it does not have national train status.

In 1821, the Santa Fe Trail, one of America's great trans-Mississippi pathways to the West, was opened, and commerce between the United States and Mexico ballooned into a million-dollar-a-year business. The trail filled with caravans of freight wagons headed to Santa Fe, New Mexico, which returned to Missouri, pouring Mexican silver and raw products into the marketplace and creating an economic boon for the region. I feel this history should be preserved.

This legislation is simple. It gives the Santa Fe Trail national historic status like the Oregon-California Trail and the Trail of Tears. It requires the Secretary of the Interior to submit to Congress a comprehensive management and use plan for the development of the trail, including the identification of all significant natural, historical, and cultural resources which should be preserved in compliance with the National Trails System Act. It does not authorize the acquisition of land

by the federal government and recognizes the rights of the private landowners. Furthermore, it addresses the question of liability for those landowners who allow the public access to private land.

During debate on this legislation in the House, several farmers and ranchers (one of whom we will be hearing from later this morning) expressed concern about the potential condemnation of easement rights-of-way provisions. Senate bill 349 addresses that concern by providing that no lands or interests outside the exterior boundaries of any federally administered area may be acquired by the federal government for the Santa Fe Trail except with the consent of the owner. This provision does not preclude the landowners from entering into an agreement of cooperation if they so desire.

Liability questions are important. While this legislation does not give the landowners absolute indemnity from questions of liability, it does stipulate that the Department of the Interior must notify individual landowners of any potential liability they may incur before entering into a cooperative agreement or before any easement is acquired. It would be helpful, I believe, if an advisory council is created, that includes representatives of the farming and ranching communities.

This region is experiencing economic problems with which we are all too familiar. By giving the Santa Fe Trail national status, we create a greater potential for economic growth through increased tourism. By marking the trail and creating interpretation centers at historical sites, visitors will have the opportunity to retrace the wagon tracks of pioneer merchants from Missouri, follow the landmarks on the prairies of Kansas and Oklahoma, and experience the breath-taking beauty of the Colorado and New Mexico mountains. I can think of several sites in my state of Kansas that would be of particular interest to tourists--Pawnee Rock in Fort Larned, a favorite resting spot along the trail, Dodge City, of Wyatt Earp fame, and the Last Chance Store of Council Grove.

Mr. Chairman, I believe that giving the Santa Fe Trail national trail status will have two very positive effects. First, it will generate an interest in exploring this period of our history, thereby promoting increased tourism. And, just as important, the legislation commemorates a part of our history of which we are all proud.

PRESERVING THE SANTA FE TRAIL

[By Bill Hornby]

It was a fitting postscript to the Colorado Historical Society's Trinidad symposium on the Santa Fe Trail last weekend. The U.S. House of Representatives finally passed legislation making the old overland route part of the National Trails System, and similar legislation will soon be offered in the Senate.

Principally sponsored by Colorado's Rep. Hank Brown and Santa Fe Rep. Bill Richardson, joined by Colorado Reps. Tim Wirth and Mike Strang among others, the legislation requires that the National Park Service prepare a Comprehensive Management and Use Plan for making and interpreting the trail and its historic sites. The plan must be finished within one year of enactment.

The bill does not call for any land acquisition, and it requires landowner consent for any marking or preservation activity. Similar protective designation for the Oregon Trail has resulted in a substantial increase in tourism along its route and has heightened public awareness of the need to preserve traces of the trail.

More than 200 Santa Fe Trail scholars and buffs gathered in Trinidad to hear outstanding lectures about the overland route from Missouri to Santa Fe. The trail was opened to more-or-less organized commerce in 1821 and was a romantic, and sweaty, foot and animal path for contact between the American and Spanish cultures until the coming of the railroads in 1880.

For 60 years, the mountain men and later the bull-whackers and soldiers took the trail from the Missouri River ports, especially Independence, to its terminus in the plaza before the Palace of the Governors in Santa Fe. They would trudge or squeak southwestward across Kansas to just west of Fort Dodge, where they took either the "mountain branch" up the Arkansas River or the Cimarron cutoff across a desert corner of present-day Oklahoma straight into New Mexico.

The mountain branch is, of course, of more interest to Coloradans because it was the route to the Rockies for so many of the early explorers and miners, though the Santa Fe Trail was more of a commercial than a mass emigration trail like the Oregon up north.

Up the Arkansas to Bent's Old Fort, just east of La Junta, then southwestward in the valley of the Purgatoire ("Picketwire") River to Trinidad, then over Raton Pass into New Spain would the wagons, stagecoaches and eventually the rails roll.

As Dr. Marc Simmons of Cerrillos, N.M., told the symposium, the Santa Fe Trail always had a lure and an enchantment for the Anglo adventurer. Countless poems and diaries embedded the trail in the romantic consciousness of American generations. They were fascinated by contacts with the Spanish and Indian cultures of the southwestern United States, or northeastern Mexico.

The trail was also the path of the Anglo soldiers who came in 1846, as their Gen. Stephen Kearny put it, not with hostile intent, but just to occupy New Mexico.

This typical preoccupation of the Anglo with his "ethnocentric" view of the world shines through even today. Scholarship about the trail is much more thorough as regards the Anglo movement south than it is about Hispanic movement north. Actually, Mexican traders going to Missouri took probably a greater part in the trail's commerce than Anglos going south.

Happily, there was little ethnocentrism noticeable at the Trinidad gathering. In addition to the scholarly pursuits, those present organized a Santa Fe Trail Council to provide a constituency for trail preservation and marking. They included Dr. David Sandoval of Pueblo, a leading scholar of the Hispanic contribution to the trail, on its executive committee.

(Other honchos of the council are Simmons, Box 51, Cerrillos, N.M. 87010, and Joy Poole, a curator of the Colorado Historical Society, who may be reached at P.O. Box 472, Trinidad, Colo., 81082.)

Why the fascination with the Santa Fe Trail that turned out 200 for the Trinidad meeting and helped the bill through the House by a unanimous vote?

Jack Rittenhouse of Albuquerque, leading bibliographer of the trail, asks "Why is the West so Western?" and answers himself this way:

As the nation's center of population shifts ever westward, the new residents want to know more about their surroundings. Then, too, there is the growing realization of an older generation that our last contacts with the old West are disappearing, and that memory needs be preserved.

Finally, Rittenhouse notes, the Santa Fe Trail has been part of our literature since Zeb Pike published the first journals of Western exploration after his expedition of 1806. That special literary heritage, and the fascination of different cultures

at trail's end, have kept the Santa Fe Trail on the American mind more than any other overland route.

Let's just hope that the U.S. Senate can now find the time to pay attention to a matter that may seem small compared to deficits and missiles, but which obviously matters a lot to a lot of people.

[From the Kansas City Times, Oct. 2, 1986]

ALONG THE TRAIL

The House of Representatives has passed a bill to recognize the Santa Fe Trail as historically significant. Within a short time, Sen. Nancy Landon Kassebaum of Kansas introduced an identical measure in the Senate. It has been referred to a subcommittee for study.

This effort, well-placed because it would call attention and perhaps preserve what is left of the trail, is of obvious interest here. Westport, now a part of Kansas City, and Independence were major outfitting centers for the hardy settlers headed west on the Santa Fe Trail, as well as the Oregon and California trails.

Ruts still can be seen in this area. Places in Missouri and Kansas that were part of that era in the last century have been preserved. Among them are Cave Ridge, a campsite near Gregory and Blue Ridge boulevards, the home of Alexander Majors, a western freighter and co-founder of the Pony Express, at 8210 State Line, and Mahaffie Farmstead and Stagecoach Stop Historic Site, 1100 Kansas City Road, Olathe, a stopping place along the trail.

The bills in Congress would establish a way for the federal government and owners of property crossed by the 950-mile trail between Missouri and New Mexico to enter into cooperative agreements to ensure against its further deterioration. The bill would allow the route to be marked.

The Santa Fe Trail, used for both commerce and immigration to the West, was opened earlier than some others. Yet it has not been given national trail status, despite previous attempts in Congress to do so.

Relatively few traces of this historically important trail are left. The measures in Congress could help to save them as a reminder of the tremendous courage and effort required to establish commercial enterprise and to settle this country.

Senator BRADLEY. Thank you very much, Senator Kassebaum.
Senator Wirth.

STATEMENT OF HON. TIMOTHY E. WIRTH, A U.S. SENATOR FROM THE STATE OF COLORADO

Senator WIRTH. Mr. Chairman, I have a statement, that if I may, I would like to have included in the record.

I would just note, Mr. Chairman, I was born in Santa Fe and grew up the son of a history teacher. We spent, and she taught Colorado history, we spent a great deal of time roaming Colorado, and southeastern Colorado a large part of that. We visited Bent's Fort nearly 40 years ago, and there was nothing there. This wonderful historic spot and crossroads of the west has now been restored by the National Park Service, and has become a great boon to that whole area of the southwest and the whole area of my state.

The designation of the Santa Fe Trail as a national historic trail will further the whole effort to make us even more aware of a very, very rich history. Not only is that good for history students and history teachers like in my family, but should be very, very good as well for the economics of that region.

I hope that we can move expeditiously on this, and I thank you and the staff very much for your interest and involvement in this. I look forward to working with you in the passage of this important legislation.

[The prepared statement of Senator Wirth follows:]

STATEMENT OF THE HONORABLE
TIMOTHY E. WIRTH

CONCERNING S. 349, A BILL
TO DESIGNATE THE SANTA FE TRAIL AS A NATIONAL HISTORIC TRAIL

March 27, 1987

Mr. Chairman, I want to thank you for scheduling today's hearing on this legislation to designate the Santa Fe Trail as a National Historic Trail. The Santa Fe Trail played a central role in settlement of Colorado and much of the West. Today, it is an important part of our Nation's history, and it is highly deserving of the greater protection and stature that will be provided by this legislation.

Colorado has been doubly blessed by nature and history. The Rocky Mountains are an extraordinary scenic resource, and they provide a wide range of outdoor recreational opportunities. At the same time, Colorado has a rich cultural heritage that is as worthy of protection as our natural resources. And these reminders of our past -- ranging from pre-historic Anasazi Indian ruins to frontier mining towns to the remnants of the overland wagon trails which countless Americans followed on their way West -- attract visitors from across the country.

The mountain branch of the Santa Fe Trail is one of those symbols of Colorado's past -- one of the most important. The mountain branch of the Trail ran from the Colorado-Kansas border, near the present site of Holly, to the Colorado-New Mexico border at Raton Pass, near Raton.

The Santa Fe Trail was the principal highway of commerce between the United States and Mexico. Along its path, countless commercial enterprises sprang up to serve the travelers on their way to, and from, Mexico. Of these, the most significant was Bent's Fort, which was built by William Bent near the present-day town of Las Animas, Colorado, along the Arkansas River. In its seventeen-year history, Bent's Fort served a multitude of purposes and became one of the American frontier's most well known and heavily used outposts.

Bent's Fort was the frontier hub of American commerce in the Southwest. Fur trappers came in from the mountains and

Indians brought buffalo robes in from the plains to trade at the Fort. Traders set out from there for Mexico, the Great Basin, and north toward Wyoming. Travelers on the Santa Fe Trail helped settle the Arkansas River valley in Colorado as far north as Pueblo. The Fort also served as a safe harbor for travelers on the Santa Fe Trail, particularly when relations between the United States and Mexico grew strained. And in its final incarnation before being abandoned, the Fort served as a base for the U.S. Army's preparations for the war with Mexico.

Today, Bent's Fort serves a new and equally important function. Completely rebuilt by the National Park Service in 1976 in time to celebrate our nation's bicentennial and Colorado's centennial, the Fort has been visited by hundreds of thousands of people. Visitors to the Fort can see first hand the role that the Santa Fe Trail played in development of the West. They can imagine themselves as trappers or merchants from another time. The Fort is truly a part of "living history" where Park Service employees, dressed in period clothing, act out life on the frontier as it existed in 1846.

Today, the Fort is also an important economic asset to southwestern Colorado, drawing visitors who otherwise might not explore this part of our state. Bent's Fort is an example of how preserving segments of the Santa Fe Trail enhances not only our sense of history, but our economy as well.

The National Park Service has invested well over \$3 million in rebuilding and operating Bent's Old Fort. It is money well spent, but the Fort does not receive the use that it should. It deserves greater recognition. Designating the Santa Fe Trail as a national historic trail will give both the Trail, and Bent's Fort, the recognition they so richly deserve. Another effect of this legislation will be to encourage more people to trace its tracks, to learn about its place in America's history, and to visit the towns and villages that have sprung up along its path.

Finally, this legislation will support the efforts of communities along the Trail's route to promote those portions of the Trail that pass near their homes. For example, two days after the House passed a companion bill to S. 349, the Trinidad City Council voted to rename a street, believed to follow the route of the original Santa Fe Trail, after the Trail. The people of Trinidad recognize the Trail's historical and cultural significance and want the rest of the nation to be able to share

in that experience. And the people of southeastern Colorado want to develop their local economies to serve the visitors that they believe will be attracted to Bent's Fort and the Santa Fe National Historical Trail.

Above all, this legislation will help us to preserve and protect for future generations remnants of our past. Coloradans are proud that resources such as Mesa Verde National Park, Hovenweep National Monument, and Bent's Old Fort have been protected. Because we, as a people, had the foresight to establish these areas as units of the National Park System, millions of Americans have been able to visit our state and to learn more about our country's history. The Santa Fe Trail is an equally important part of the fabric of our history and deserves to be protected.

In sum, official designation of the Trail will be an economic plus for the hard-pressed agricultural and mining communities along the Trail's route in Colorado and other states. It will provide official recognition for the first, and probably most important, overland pathway to the West. And it will ensure that future generations will be able to share in our history.

Again I want to thank you Mr. Chairman for holding today's hearing. I hope we can move this legislation quickly and I look forward to hearing from our distinguished colleague from the great State of Kansas.

Thank you very much, Mr. Chairman. Senator Lautenberg, thank you for your forbearance.

Senator BRADLEY. If we could now, I think Senator Domenici wanted to make a comment or two about the Santa Fe Trail.

**STATEMENT OF HON. PETE V. DOMENICI, A U.S. SENATOR FROM
THE STATE OF NEW MEXICO**

Senator DOMENICI. Mr. Chairman, I have prepared remarks, which are not only a history of the trail, but also a history of its involvement in my state in particular. I think it would be better if I just ask that that historical résumé as I understand it be made a part of the record.

I merely say that I am pleased to be a co-sponsor. I thank you for having the hearings. I hope we can expedite this matter.

I truly believe the bill, as it now has evolved, is a very good bill. It has the support of the surrounding landowners and ranchers. Earlier versions they were somewhat concerned about rights of eminent domain and the like, and somewhat concerned about the idea that maybe we would reconstruct the Santa Fe Trail. That really was not the intention.

The intention is to take what is left of it, preserve it, mark it, so that we know what it looked like. But this is not one of those where we would go back and try to rebuild it across privately owned lands.

It also assures the owners that if they enter into easements, that they will first be advised of their liability, because there may be liability as people frequent their private lands under these easements arrangements. I compliment the State of New Mexico and the farming community, a community interested in the preservation of historic sites, for getting together and working very hard with other people to come up with a bill that I think is excellent.

This trail was studied a long time ago and found to be very, very valuable as part of our marvelous migration west. But we did not have an historic trail system yet, Mr. Chairman. So that study sort of laid there with all indications that there was something rather special about it. A few years later the national government got into this idea of having an historic trail system, and so that early study was merely reconfirmed, but now made much more relevant for the future generations.

I am very pleased to co-sponsor this bill and will do what I can to help you expedite it through the United States Senate.

Thank you for your kindness in this regard and taking time for this bill here today.

Senator BRADLEY. Thank you very much, Senator Domenici. Your full statement will be made a part of the record.

[The prepared statement of Senator Domenici follows:]

STATEMENT OF SENATOR PETE V. DOMENICI
ON S. 349/H.R. 240, THE SANTA FE TRAIL ACT

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS
COMMITTEE ON ENERGY AND NATURAL RESOURCES

MARCH 27, 1987

Mr. Chairman,

I am pleased that the Subcommittee is today holding hearings on S. 349 and H.R. 240, the bills which would amend the National Trails System Act to designate the Santa Fe Trail as a National Historic Trail. Let me begin by commending the distinguished Senator from Kansas on taking the initiative on this legislation. I am proud to be a cosponsor of S. 349 - I also was a cosponsor of the identical bill which the Senator from Kansas introduced last year - and hope for its approval by the full Committee and enactment by the Congress in the near future.

The Santa Fe Trail was the first of the great trans-Mississippi pathways to the West. Founded in 1822, it was used primarily as a commerce route from Missouri to Santa Fe, in what was then Mexico.

During its history, the Trail originated at several different points in Missouri before finally settling upon Independence, Missouri as the staging point. From there it traversed southwest thru Kansas before branching off near Fort Dodge. The Mountain Branch then proceeded through Colorado, and the Cimarron Cutoff passed through the Oklahoma panhandle. The two branches rejoined near Fort Union, New Mexico and the Trail extended to Santa Fe from there.

For over 50 years, the Santa Fe Trail served as a commercial, military, and migration route to what is now the American Southwest. It played a pivotal role in the opening and development of the area that eventually became New Mexico. It effectively linked the Spanish and American cultures and fused them into a distinct culture with customs that still exist in New Mexico today. Many of the forefathers of present-day New Mexicans originally came to New Mexico over the Santa Fe Trail. General Kearny led his army, which brought New Mexico under United States rule in 1846, along the Santa Fe Trail. The Battle of Glorieta Pass, which was the turning point of the Civil War in the

southwest, was fought along the Trail in northeastern New Mexico. It was there that the Union forces stopped the advance of Confederate forces from Texas upon Denver. The Trail fell into disuse after 1880, when the Atchison, Topeka, and Santa Fe Railroad reached Santa Fe.

Although there are small, scattered segments where original Trail ruts can be seen, most of the Trail has been obliterated by weather and development. It is estimated that over 90 percent of the Trail route is currently in private ownership.

In 1976, the Santa Fe Trail was studied for inclusion in the National Trail System. The study found that, while the trail did not qualify for designation as a national scenic or recreational trail, it was of national significance and should be recognized in some manner. The finding of nonsuitability as a scenic or recreational trail was based upon the number of incompatible developments along the trail, the lack of public ownership, and the fact that long stretches of the Trail traversed dry, unvarying terrain. However, it should be noted that, at the time of the study, Congress had yet to create the National Historic Trails, and the Trail therefore was not evaluated for designation as a National Historic Trail.

In 1978, Congress created the new category of National Historic Trails. The purpose of the National Historic Trails is to preserve and promote an appreciation of the historic resources of our Nation by the designation of routes which played an important role in our history as National Historic Trails. These National Historic Trails, of which there currently are only five, follow as closely as possible and practical the original trail route. The historic routes are identified and protected for public use and enjoyment. Only the parts of an historic trail that are on federally owned land have federal protection. The Santa Fe Trail is eligible for designation as a National Historic Trail since its primary importance is of an historic nature.

Last year, a bill to designate the Santa Fe Trail as a National Historic Trail was introduced in the House. That bill was strongly opposed by local ranchers and other private interests because it would have allowed the federal government to acquire private land along the Trail by condemnation. The private landowners were also concerned about their potential liability to visitors and the ability of the Secretary of the Interior to expand the Trail without further Congressional action. These concerns were well founded, as the loss of land and the increased cost of doing business because of increased liability would be one more unnecessary burden to add to the livestock industry, which is already reeling from low cattle prices and falling land values.

Fortunately, the bill was amended in Committee to address these concerns, and the modified version was passed by the House. Although the modified version was introduced in the Senate last year, there was inadequate time to enact the bill into law before the final adjournment of the 99th Congress.

The Santa Fe Trail bills which we have before us today are identical, except for some technical changes, to the modified bill from the 99th Congress.

S. 349 and H.R. 240 would designate approximately 950 miles of the Santa Fe Trail as a National Historic Trail.

In addition to designating the Trail as a National Historic Trail, the bill states that the federal government can acquire lands along the Trail only with the consent of the landowner. This overrides the provision of the National Trails System Act that provides that the Park Service can acquire up to 125 acres per mile by condemnation.

It also states that the Secretary of the Interior, prior to entering into a cooperative agreement or acquiring an easement in the Trail, must inform the affected landowner of his potential liability for injuries to the public which occur on his property.

Under the National Trails System Act, the Park Service would be obligated to develop a comprehensive management and use plan for the development of the Trail, including the identification of all significant natural, historical, and cultural resources which should be preserved.

Mr. Chairman, designation of the Santa Fe Trail as a National Historic Trail will increase the opportunities of visitors to the areas along the Trail to learn more about the Trail and its place in the history of our country. It will spur tourism and boost the economy of surrounding regions. This bill also will commemorate a part of our history that was pivotal in linking our nation together. I encourage all the members of the Subcommittee to support this measure.

Senator BRADLEY. Senator Lautenberg.

**STATEMENT OF HON. FRANK R. LAUTENBERG, A U.S. SENATOR
FROM THE STATE OF NEW JERSEY**

Senator LAUTENBERG. Thank you Mr. Chairman. I am pleased to have the opportunity to appear before the subcommittee this morning. I am pleased, not only to testify before my colleague, Senator Bradley, but also to be joined here by Congressman Bill Hughes. Congressman Hughes represents the area in which these rivers about which we are concerned are located. He serves his constituency very well. I know it because I know it is true with you too, Senator Bradley that we hear from Congressman Hughes very frequently. I would not say too frequently, but rather frequently about the needs of his district.

It is always a pleasure to work with him on matters affecting that beautiful portion of our state which he serves.

I am pleased also to note the presence of some of Cumberland County's outstanding leaders who are gathered here.

These people worked for years to see the outstanding natural areas of Southern New Jersey preserved and enhanced. The subcommittee I understand is going to hear from Cumberland County freeholder, Director Ed Salmon, Maurice River township Mayor John Feltes, Millville Mayor Sumner Lippincott, Donald Fauerbach, a local resident, and Steve Kehs, Planning Director.

The fact that these people have traveled here today demonstrates a level of local commitment to the protection of these rivers, and I join with the Chairman, Senator Bradley in introducing S. 251, the bill before the subcommittee today on the first day of the session of the 100th Congress.

By introducing the bill so quickly, we hope to see prompt action. I hope that this hearing and subsequent action by the full Senate will see this legislation enacted quickly.

Mr. Chairman, the proposed study of the Maurice, the Manumuskin and the Menantico Rivers for inclusion in the Wild and Scenic River System have great importance to our State of New Jersey. With over 7½ million residents we are the most densely populated state in the nation.

As such, the preservation and enhancement and enjoyment of our beautiful natural resources, such as these rivers, is of special value to New Jerseyans.

The Wild and Scenic Rivers Act enacted in 1968 reflected the national recognition of the need to protect our rivers. It balances the need for development on rivers with the need to preserve those rivers in their natural, free-flowing condition. It was the intent of Congress to protect the rivers and their surroundings for scenic, recreational and cultural qualities.

The Maurice, Manumuskin, and Menantico Rivers possess qualities which deserve the protection offered by this Wild and Scenic designation.

Large portions of these rivers lie within the boundaries of the Pinelands Natural Reserve, one of our most valuable natural resources.

In the last session, we were successful in having portions of the Great Egg Harbor River designated as a study river. I look forward to its eventual addition to the Wild and Scenic System. Inclusion of these rivers within the system would complement that effort, and enhance protection of these areas of cooperation with federal, state and local efforts.

Local support for the protection of these rivers is overwhelming. My constituents have been working hard to preserve and protect important portions of the Maurice, Manumuskin, and Menantico Rivers. Designation of these rivers by the Park Service as study rivers would represent the culmination of years of effort by local individuals, the State of New Jersey, conservation groups, and the Federal Government.

Mr. Chairman, last October I spent a day touring these rivers. It was a day that I will not soon forget. I know that the Chairman, Senator Bradley also visited the site and I am sure he also shares my views. It is quite something, when you travel through an area in the most densely populated state in the country, able to find pristine terrain like this, able to find such a natural environment in abundance. It is away from the noise and traffic and away from the pollution. To see nesting birds, eagles and beautiful birds that in many cases not been seen in our area for a long time, so it was quite an experience, and I am determined to do whatever I can.

I know I share the Chairman's views on that, and the Congressman's view on that to make sure that we preserve this in a condition that it exists presently.

This is a side of New Jersey that many people outside this state do not know exists. As a matter of fact, it is probably fair to say that many people in the state do not know it exists. We hope that they will find out as we go through this legislation and learn more about it, to come and visit this very beautiful part of our area.

I want to make sure that future generations are going to be able to see and enjoy this area as I have, and the inclusion in the Wild and Scenic System is going to help accomplish that goal.

I thank the Chairman and members of the subcommittee for the opportunity to be here.

Senator BRADLEY. Thank you very much, Senator Lautenberg for your testimony and your interest in this. I know that it is considerable, and I know that you have taken the time to personally visit the river systems. I think this is just another indication of your commitment.

Let me now call upon Congressman William Hughes, who will testify on the Wild and Scenic River inclusion for the study of the Maurice, Manumuskin and Menantico. Congressman Hughes, welcome.

Senator LAUTENBERG. Mr. Chairman, if I may interrupt for one second. If there are any questions, could I have them now, because I do have another engagement, and I am particularly delighted to see the two Senators from New Mexico, a state that thinks they have a monopoly on scenic and beauty. Look at these pictures, I commend them to you. [Laughter.]

Senator DOMENICI. We are going to go there if you go to the Santa Fe Trail. [Laughter.]

Senator BINGAMAN. This is just the way I remember Fort Dix.
[Laughter.]

Senator BRADLEY. Congressman Hughes, you may proceed.

Senator DOMENICI. I wonder if I might ask the Chairman for one privilege. I must leave, and I wonder if you would submit to the Department questions that I have of the Secretary.

Senator BRADLEY. I would be more than pleased to, Senator Domenici.

Senator DOMENICI. And Mr. Chairman, we only have one witness as I understand from New Mexico, Daniel Kipp, and he brought his family here and he is one of the ranchers in the area that got together and helped make the accommodations that brought support. I just wanted to welcome him here. Senator Bingaman, are you going to be here for a while?

Senator BINGAMAN. Just for a few minutes.

Senator DOMENICI. I thank Mr. Kipp for the long trip, and apologize that I will not be able to be here when he testifies.

Senator BRADLEY. I can assure you, Senator Domenici I will give him a New Jersey welcome. [Laughter.]

Congressman Hughes.

**STATEMENT OF HON. WILLIAM J. HUGHES, A U.S.
REPRESENTATIVE FROM THE STATE OF NEW JERSEY**

Mr. HUGHES. Thank you very much, Mr. Chairman.

Good morning. I appreciate the opportunity to testify on behalf of S. 251, sponsored by yourself, Mr. Chairman and our distinguished colleague, Senator Frank Lautenberg. I urge the members of this committee to support the legislation which would designate the Manumuskin and Maurice Rivers and the Menantico Creek in Southern New Jersey as study rivers for potential inclusion in the National Wild and Scenic Rivers System.

Mr. Chairman, I am delighted to be joined today by a number of our distinguished colleagues from the State, County, and Local government, who will be testifying here today, led by Deputy Director of the Board of Freeholders, Ed Salmon. He has been very actively involved in the effort to bring these rivers within the Wild and Scenic Rivers System for study. And Sumner Lippincott, Mayor of the City of Millville, and John Feltes, the Maurice River Township Mayor, and Steve Kehs, who is the Director of Planning, and Don Fauerbach, who has in fact, built and led a citizens' coalition as part of a community-based organization to preserve these beautiful rivers, and Glenn Nickerson, the Director of Public Information.

As you know, the House has already passed a companion bill, H.R. 14, which I sponsored under the rules of suspension due to its non-controversial nature.

The Maurice and Manumuskin Rivers were identified for potential inclusion as outstanding resources. They have been listed on the nationwide rivers inventory by the Department of the Interior for their outstanding natural beauty and resource value.

As part of the Pinelands environment, the three rivers form an integral part of the integrity of the National Pinelands Reserve, an area which has been recognized world-wide for its exceptional resource values and pristine environment.

Mr. Chairman, the three rivers require special protection. The Maurice and Manumuskin Rivers and the Menantico Creek foster critical habitats that support endangered and threatened species. They also support some 23 important species of reptiles and amphibians.

Sixteen ecological critical areas of importance have been identified along the Maurice River, and 13 ecological critical areas of importance have been reported along the Manumuskin River by the Pinelands Management Comprehensive Plan.

These three areas adjacent to the rivers consist of freshwater wetlands, swamp forest, upland pines and oaks, and tidal wetlands. They embody the resource values which have been identified as necessary elements for the maintenance of the essential character and integrity of the Pinelands environment.

The scenic, cultural and historic values of the Maurice, Manumuskin, and Menantico Rivers are an important part of New Jersey's history and very rich heritage. Large ocean-going crafts were built in the Maurice River during the late 1800's. Communities along the River were ports for hundreds of ships involved in European cargo trade, whaling, and oyster fishing. The Menantico Creek was an important trans-shipment corridor during the 19th century for bog-ore, to be processed into metallic ore and iron. The rivers have also been the source of many archeological finds and an abandoned glassworks site, dating back to the time of the revolution.

Passage of S. 251 is an important first step to ensure sound management and sensitive planning, consistent with the associated Pinelands National Reserve and the adjacent coastal zone. The Federal law which established the Pinelands National Reserve intended to facilitate coordinated planning both within and outside of the reserve's boundaries. This study would guarantee a proper investigation of these portions of the rivers that are between, but not a part of the two jurisdictional areas already recognized for their sensitive nature. The increasing development pressures are further justification for the need for this study.

Enactment of this legislation would provide our communities with the mechanism necessary to protect these rivers from adverse development and advance the wise decision making needed to help any impacts from future growth and progress in the region.

These three rivers are indeed rare commodities. They are three of New Jersey's best kept secrets, in fact. If they are not properly protected, and if they are not protected, New Jersey and the nation could lose another of our priceless environmental treasures.

This study will enable us to take the necessary first step to preserve these three beautiful rivers for future generations to enjoy.

Mr. Chairman, I know that you have been to these three rivers and we hope to take you back each and every season, so you see something different about the rivers. Our colleague Jeff Bingaman was saying that he was at Fort Dix for a number of years, and not very far—

Senator BINGAMAN. It seemed like a number of years. I think it was 8 weeks of basic training. [Laughter.]

Mr. HUGHES. Well I can understand that, being in the Army, but there are some very beautiful areas in New Jersey indeed.

These rivers are unique in many respects. The Manumuskin River has drinkable water, one of the I think only two rivers in the entire state that is still drinkable.

New Jersey, in the southern part of the State is experiencing tremendous growth and progress, particularly in the greater Atlantic City area. We will experience, I am sure, a number of threats in the years ahead. It is so important to move ahead with this study.

Mr. Chairman, I want to congratulate you in particular, for moving this particular legislation so expeditiously. I think it is important that we take this first step. You and your colleague Senator Lautenberg are to be congratulated for moving it so expeditiously.

Senator BRADLEY. Congressman Hughes, thank you very much for your testimony, and for time and time again showing the interest that you do in the quality of the environment in South New Jersey and in your district, and in these three river systems in particular. I think that your own personal knowledge and the time that you have spent pondering this and pushing this and arguing for it, I think only make it more probable that indeed the designation will occur.

Let me thank you for your testimony. Senator Bingaman, do you have an opening statement, or a short statement that you want to make.

STATEMENT OF HON. JEFF BINGAMAN, A U.S. SENATOR FROM THE STATE OF NEW MEXICO

Senator BINGAMAN. I do, Mr. Chairman.

Let me thank you for Chairing this hearing, and indicate that I do have a short statement that I would like to put in the record in support of the bill to designate the Santa Fe Trail as a national historic trail.

I am sure you are aware of the significance of the Santa Fe Trail in American history. It is the main thoroughfare by which much of New Mexico was settled by people from the East. Of course it was a major route for commerce with Mexico for a great many years. It does have special significance for much of the West because of the importance it had there.

As I understand it, there are only two other trails that are designated as national historic trails at this time, the California Trail, and the Oregon Trail. I think that the addition of the Santa Fe Trail to this would be an excellent thing to do. It would spur tourism. It would, I think, give the historical recognition that the Santa Fe Trail deserves. So I do support it very much, and I appreciate the chance to speak. Thank you.

[The prepared statement of Senator Bingaman follows:]

STATEMENT BY SENATOR JEFF BINGAMAN
S. 349
March 27, 1987

I thank the Chairman of the Subcommittee on Public Lands, Senator Bumpers, for holding this hearing early in the session. I was pleased to join Senator Kassenbaum and others in introducing this legislation to designate the Santa Fe Trail as a National Historic Trail.

I would like to point out that similar legislation, introduced by my distinguished colleague from New Mexico, Congressman Richardson, was passed by the House of Representatives last year, but was never fully considered by the Senate. Similar legislation has been reintroduced in the House this year.

Both the House bill and the Senate legislation would grant historical status to the 920 mile Santa Fe Trail. The trail began in Independence, Missouri, continued through Kansas, Oklahoma, and Colorado, and ends in New Mexico. One route of the trail in New Mexico passed through Raton to

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SANTA FE TRAIL
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Cimarron, Taos, Fort Union, La Junta (now Watrous), Las Vegas, across the Pecos River through Glorieta Pass and into Santa Fe. The other route carried travelers from Oklahoma, through eastern New Mexico to the Canadian Cross, through Wagon Mound, La Junta (Watrous), Las Vegas, the Glorieta Pass and into Santa Fe.

The Santa Fe Trail, opened in 1821, became one of the great trans-Mississippi pathways to the American West. It was once the major overland route between the central United States and the Western frontier.

This celebrated overland route is rich in historic and cultural value. It not only played a central role in the expansion of the west, but it was a major thoroughfare for commerce between the United States and the Republic of Mexico.

The historic trail designation would help to preserve the trail and be a spur to increased tourism in New Mexico and elsewhere. According to the New Mexico Economic Development and Tourism Department, the trail designation would mean an additional \$160,000 for the travel industry annually in Northeast New Mexico, particularly in economically depressed Colfax, Mora, and San Miguel counties.

STATEMENT OF SENATOR JEFF BINGAMAN
SANTA FE TRAIL
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The designation would also be a great distinction for the trail and the state, since National Historic Trail status is shared by only two other trails in America -- the Oregon and California Trails. The legislation complies with the National Trails System Act, which requires the Secretary of the Interior to submit to Congress a comprehensive management and use plan before requesting funding.

The legislation is also carefully crafted not to disturb the land rights of individual landowners. The bill, as drafted, insures that no private land would be appropriated for the trail without the consent of the landowner. In addition, before acquiring any easement or entering into any cooperative agreement with a private landowner, the Secretary would be required to notify the landowners of any potential liability for public injury from physical conditions that may exist on the landowner's land.

The Santa Fe Trail is the last major overland wagon road to be considered for National Historic Trail designation. I feel it is particularly deserving of this distinction. Passage of this bill would preserve and protect the trail. It would bring needed tourism to rural areas of New Mexico and other states. And it has strong local community support.

I look forward to the testimony of the witnesses today.

Senator BRADLEY. Thank you very much, Senator Bingaman. Now we would like to call as a witness Mr. Denis Galvin, Deputy Director of the National Park Service, U.S. Department of the Interior, who will testify on both of the proposals before the committee. Mr. Galvin, welcome to the committee and you may proceed.

STATEMENT OF DENIS P. GALVIN, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. GALVIN. Thank you Mr. Chairman.

In the course of my Park Service career, I have lived both in New Jersey and in New Mexico, and also in Colorado.

Senator BRADLEY. That is why they sent you here. [Laughter.]

Mr. GALVIN. But in deference to the Chair, I will start with the bill that affects New Jersey.

Mr. Chairman, I have a prepared statement on both bills, and will submit them for the record.

Senator BRADLEY. They will be included in the record.

Mr. GALVIN. I will simply summarize my prepared statement. I appreciate this opportunity to express the views of the Department of the Interior on S. 251. H.R. 14 is a similar bill which passed the House of Representatives on March 10, 1987.

Because of action in the 99th Congress on four rivers that were designated for study, the only difference between the two bills is the numbering of the paragraphs. Substantively, they are the same.

The House bill also has an authorization for the appropriation of funds for the study, which is not specifically included in S. 251. We have no objection to the enactment of either bill; we strongly recommend, however, a State study of the river segments instead. There is no federally-owned property along these river segments, and the State has undertaken, with Federal financial support, a comprehensive planning effort in the Pinelands, as you know.

Segments of three rivers in New Jersey are included, a 14-mile segment of the Maurice River, a 3.5-mile segment of the Manumuskin, and a 7-mile segment of Menantico Creek. The River segments form portions of the boundaries of the Pinelands National Reserve.

The State of New Jersey has established a planning entity to develop a comprehensive management plan for the reserve, and based on the plan, Federal funds in the amount of \$26 million have been made available to the State for land acquisition and planning.

Major portions of the watersheds of these river segments are identified in the Pinelands Comprehensive Management Plan as possessing values of critical importance. The Maurice and the Manumuskin were both identified as potential National Wild and Scenic Rivers in 1981, and have been listed on the Nationwide Rivers Inventory prepared by the National Park Service in 1982. The Menantico Creek flows into the Maurice River.

Several of the previous witnesses have mentioned both the historic and the recreational value, and the pristine quality of these streams. We endorse those general sentiments, and I have outlined in my statement a more comprehensive view of our assessment of the quality of all of these streams.

We believe it would be appropriate for the State to conduct a study of these river segments. The area through which these segments run is virtually all privately owned. Both the National Park Service and local governmental entities do not propose any Federal land acquisition in the area.

The State of New Jersey has begun a Statewide planning effort to locate a hazardous waste disposal site to serve the entire State. Of the four potential hazardous waste sites, one is adjacent to the Manumuskin River. We understand that at meetings held by the site selection commission in August of 1986, opposition to the location of the proposed hazardous waste disposal facility adjacent to the Manumuskin River was overwhelming.

If the State of New Jersey adopted a comprehensive management program, it would be appropriate for the Secretary of the Interior, at the request of the Governor, to consider these segments under Section 2(a)(ii) of the Wild and Scenic Rivers Act as components of the national system.

The cost of a Federal study would be approximately \$180,000.

That concludes my prepared remarks on the New Jersey Rivers, Mr. Chairman. Without objection I will go on to our testimony on the Santa Fe Trail, which is designated as S. 349. H.R. 240 is a similar bill, which passed the House of Representatives on March 10, 1987.

Again, the only difference between the two bills is the difference in the numbered paragraphs caused by subsequent legislative action.

We recommend the enactment of either bill. The bill would designate the Santa Fe Trail as a National Historic Trail. The Santa Fe Trail has a long history of being studied. Its historic significance is indisputable. Under previous trail system legislation, it was not eligible for designation under scenic trail criteria. Subsequent action by the Congress, however, has found the National Trail System should include National Historic Trails, and under that category of the trail system, the Santa Fe Trail qualifies.

We believe the Santa Fe Trail fully qualifies for designation as a National Historic Trail. The historic significance of the Trail is unquestioned.

The National Trails System Act requires the submission of a comprehensive plan within two complete fiscal years. Such a plan would identify specific trail segments that could be marked and administered by private and public agencies. We would not propose additional land acquisition by the Federal Government.

We estimate the cost of the plan required, if the Santa Fe Trail is designated as proposed, would be approximately \$100,000.

Both bills contain a requirement not found in previous Trail designations which I would call to your attention. The bill requires that we notify landowners, before acquiring easements or entering into cooperative agreements, of potential liability for injury to the public resulting from physical conditions on the landowners' land.

We want to make it clear that although we do not object to this requirement if it means reasonable notice, a landowner's liability, if any, would be determined as a matter of State law.

I would also point out that section 7(h) of the National Trail System Act encourages States to address the issue.

That concludes my prepared remarks on the Santa Fe Trail, Mr. Chairman.

[The prepared statement of Mr. Galvin follows:]

STATEMENT OF DENIS P. GALVIN, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS, AND FORESTS, SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, CONCERNING S.251 AND H.R.14, BILLS TO DESIGNATE CERTAIN SEGMENTS OF THE MAURICE AND MANUMUSKIN RIVERS AND MENANTICO CREEK IN NEW JERSEY AS STUDY RIVERS FOR INCLUSION IN THE NATIONAL WILD AND SCENIC RIVERS SYSTEM.

March 27, 1987

Mr. Chairman, I appreciate this opportunity to provide your Subcommittee with the views of the Department of the Interior on S.251. H.R.14 is a similar bill which passed the House of Representatives on March 10, 1987. The House bill differs from S.251 only in that the paragraphs in the House bill reflect the fact that four rivers were designated for study in the 99th Congress. The House bill also has an authorization for the appropriation of funds for the study, which is not specifically included in S.251.

Although we have no objection to enactment of either bill, we strongly recommend a State study of the river segments instead. There is no Federally owned property along these river segments, and the State has undertaken, with Federal financial support, a comprehensive planning effort for the Pinelands area that borders these river segments.

This bill would designate for study as potential units of the National Wild and Scenic Rivers system, segments of three rivers in New Jersey: A 14-mile segment of the Maurice River, a 3.5-

mile segment of the Manumuskin River, and a 7-mile segment of Menantico Creek. The river segments form portions of the boundary of the Pinelands National Reserve, an area of approximately 1 million acres which was designated by Section 502 of the National Parks and Recreation Act of 1978. Under that Act, the State of New Jersey has established a planning entity to develop a comprehensive management plan for the Reserve, and based on that plan, funds in the amount of \$26 million have been made available to the State for acquisition and planning. The Secretary of the Interior has appointed one member to the 15-member planning entity created under that Act. Major portions of the watersheds of these river segments were identified in the Pinelands Comprehensive Management Plan as possessing values of critical importance. Both the Maurice River segment and the Manumuskin River segment were identified as potential National Wild and Scenic Rivers in 1981 and have been listed on the Nationwide Rivers Inventory prepared by the National Park Service and published in 1982. Menantico Creek flows into the Maurice River and was not separately identified in the inventory.

The Maurice River, which is bordered by Millville, Dorchester, Mauricetown, Commerical, Shell Pile and Bivalve, was where large, ocean going craft were built in the late 19th century. These communities were the ports for hundreds of ships involved in European cargo trade, whaling and oyster fishing. Evidence of this past activity still exists as wide-bottomed wooden ships are currently engaged in the business of planting, growing and

harvesting oysters in the Delaware Bay, and the Maurice River Cove. The Manumuskin River segment includes fresh water wetlands on the east side of the river, swamp forest, upland forest, and a portion of the town of Port Elizabeth. The river area is one of the most scenic canoeing areas in southern New Jersey. The Manumuskin River is also recognized for its pristine water quality, the highest of any in the Pinelands.

Since a portion of the watershed drained by these river segments has been identified in the Pinelands Comprehensive Management Plan as being ecologically important, and since the segments themselves have been identified as having potential for designation as part of the National system, we believe it would be appropriate for the State to conduct a study of these river segments. The area through which these segments runs is virtually all privately owned, and both the National Park Service and local Governmental entities do not propose any Federal land acquisition in the area. Accordingly, a study process should concern itself with bringing together local and State governmental officials, landowners, and other community interests to develop strategies for long-term conservation and use of these valuable river areas.

The State of New Jersey has begun a Statewide planning effort to locate a hazardous waste disposal site to serve the entire State. A State commission responsible for recommending a site has identified four potential hazardous waste sites, one of which

is adjacent to the Manumuskin River. We understand that, at meetings held by the Site Selection Commission in August of 1986, opposition to the location of the proposed hazardous waste disposal facility adjacent to the Manumuskin River was overwhelming.

Strategies that involve State and local Governments and private initiatives could be developed through a State study process. A comprehensive management plan for these river segments by State and local Governments would be a useful result. In addition, we would anticipate that if the State of New Jersey adopted a comprehensive management plan to protect the scenic and recreation qualities of the river, it would be appropriate for the Secretary of the Interior, at the request of the Governor, to consider these segments under Section 2(a)(ii) of the Wild and Scenic Rivers Act as components of the National system.

The cost of a Federal study would be approximately \$180,000. There are many other rivers around the country which are principally of State and local interest. Federal study of all these rivers would entail substantial costs not justifiable under current fiscal constraints.

This concludes my prepared remarks Mr. Chairman, I would be pleased to respond to any questions you or Members of the Subcommittee may have.

STATEMENT OF DENIS P. GALVIN , DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS , NATIONAL PARKS, AND FORESTS, SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, CONCERNING S. 349 AND H.R. 240, BILLS TO AMEND THE NATIONAL TRAILS SYSTEM ACT TO DESIGNATE THE SANTA FE TRAIL AS A NATIONAL HISTORIC TRAIL.

MARCH 27, 1987

Mr. Chairman I appreciate the opportunity to provide your Committee with the views of the Department on S. 349. H.R. 240 is a similar bill which passed the House of Representatives on March 10, 1987. The bills are identical except that the reference to numbered paragraphs in the House bill reflects the addition of a 14th national historic trail in the 99th Congress.

We recommend the enactment of either bill.

These bills would amend the National Trails System Act to designate the Santa Fe Trail as a national historic trail.

In 1968 the National Trails System Act was approved (P.L. 90-543). That Act listed 14 trails to be studied to determine their suitability for inclusion in the national trails system. The Santa Fe Trail is one of the routes that was required to be studied under the original National Trails System Act. At that time there were two classes of trail--national scenic trails and national recreation trails. Criteria developed in 1969 for the evaluation of potential trail segments required that national scenic trails include superior scenic, historical, natural, and cultural values. Furthermore, they should be of extended length and located so as to provide for maximum outdoor recreational opportunities and potential. Also, trails should be capable of promoting national interests and, insofar as practical, be void of incompatible developments and activities that would detract from the natural and scenic conditions.

In accordance with the National Trails System Act and the criteria developed by the Secretary of the Interior and the Secretary of Agriculture to assess potential trail segments as indicated above, the former Bureau of Outdoor Recreation of this Department studied the desirability and feasibility of designating the Santa Fe Trail as a national scenic trail. That study was completed in 1975 and transmitted to the Congress in 1977.

The study found that the Santa Fe Trail is nationally significant. The Santa Fe Trail, during the period from about 1820 to 1880, was one of the most significant commercial trade routes in the history of the Southwest. It was approximately 950 miles in length, from Arrow Rock, Missouri, through Independence to Santa Fe, New Mexico. However, the study also determined that little remains currently to mark its original physical route. Further, the study concluded that the scenic and recreational qualities are neither sufficient nor varied enough to attract a nationwide audience. The study found that relocation of major portions of the trail to bypass incompatible uses would be required. Rather than Federal designation as a component of the National Trails System, the study recommended that short segments of the route which possess scenic and historical features be recommended for recreation development or historical commemoration by Federal, State, or local agencies.

The National Parks and Recreation Act of 1978 amended the National Trails System Act by adding national historic trails as a new category of the trails system. Further, the 1978 Act designated the Oregon National Historic Trail, the Mormon Pioneer National Historic Trail, the Lewis and Clark National Historic Trail, and the Iditarod National Historic Trail as components of the National Trails System under the new historic trail category. Under the 1978 amendments, to qualify for designation as a national historic trail, a trail must meet all three of the following criteria: It must be a trail established by historic

use and must be historically significant as a result of that use; it must be of national significance with respect to American history; and it must have significant potential for public recreation use or historical interest based on historic interpretation and appreciation. S. 349 and H.R. 240 would amend the National Trails System Act to include the Santa Fe trail as a component of the system under the historic trail category.

We believe the conclusions reached in the 1975 study by the Bureau of Outdoor Recreation under criteria applicable to national scenic trails are not necessarily applicable to the suitability of the Santa Fe trail as a potential national historic trail. We believe that the Santa Fe trail fully qualifies for designation as a national historic trail. The historical significance of the trail is unquestioned. Its potential for historical interest can be developed through the planning process for designated national historic trails required in section 5 of the National Trails System Act. The Act requires the submission of a comprehensive plan for the trail to be submitted to the legislative Committees of Congress within two complete fiscal years. Under such a plan we would identify specific trail segments that could be marked and administered by private and public agencies. We would not propose additional land acquisition by the Federal Government. Our goal in the plan would be to set forth the details of how best to provide recognition of the historic route and recommend management practices for those segments that remain.

The historic route traverses highly developed urban areas near Independence, Kansas City, and Santa Fe. In between these metropolitan areas, the route coincides with and intersects various highways, powerlines, and other commercial and residential developments. The 1975 study did note that in western Kansas and northeastern New Mexico the historic route now follows relatively undisturbed desert lands. Under the historic trail category of the National Trails System Act, however, the

established trail need not be continuous on the ground and those segments no longer possible to travel by trail may be marked as segments linked to the historic trail.

We estimate that the cost of the plan required if the Santa Fe Trail is designated as proposed in S. 349 and H.R. 240 would be approximately \$100,000.

Mr. Chairman, both bills contain a requirement not found in previous trail designations, which I would call to your attention. The bills require that we notify landowners, before acquiring easements or entering into cooperative agreements, of potential liability for injury to the public resulting from physical conditions on the landowner's land. We want to make it clear that, although we do not object to this requirement if it means reasonable notice, a landowner's liability, if any, would be determined as a matter of State law. I would also point out that section 7(h) of the National Trails System Act encourages States to address the issue.

This concludes my prepared remarks. I would be pleased to respond to any questions that you or other members of the Subcommittee may have.

Senator BRADLEY. Mr. Galvin, thank you very much for your testimony on both of the bills before the committee.

I have only one or two questions. I just want to confirm, I heard you say that in your testimony relating to S. 251 that you have no objection to designate certain segments of the Maurice, Manumuskin and Menantico Creek areas in New Jersey as study rivers for inclusion in the National Wild and Scenic Rivers System. Is that true?

Mr. GALVIN. That is correct; we encourage a State study, however.

Senator BRADLEY. But you have no objection.

Mr. GALVIN. No, sir.

Senator BRADLEY. I would also call attention to page three of your testimony, where you say that these rivers are one of the most scenic canoeing areas in Southern New Jersey, and simply underline your statement. I think that, have you visited the area?

Mr. GALVIN. I am familiar with the Pinelands and have hiked in it. I have not canoed in it, but I am very familiar with the Pinelands, indeed.

Senator BRADLEY. Because the statement demonstrated a real sensitivity and knowledge of the area, because indeed these are extremely exciting and attractive canoeing areas that give unique access to people on the whole Eastern seaboard.

Mr. GALVIN. Absolutely.

Senator BRADLEY. I am very glad that the Park Service has called attention to that fact. Mr. Galvin, let me thank you for your testimony, and I appreciate you taking the time to be with us today.

Mr. GALVIN. Thank you very much.

Senator BRADLEY. Next I would like to call a panel to testify on S. 251. That panel consists of Mr. Ed Salmon, Deputy Director of the Cumberland County Board of Freeholders, as I call your name just take your position at the table.

John Feltes, the Mayor of Maurice River Township.

Sumner Lippincott, the Mayor of the City of Millville.

Donald Fauerbach, Citizens United to Protect the Tidal Maurice River.

Stephen Kehs, the Director of Planning, Cumberland County Department of Planning and Development.

I would like to welcome all of you to the hearing, and I am sure, since you are in attendance, some of you were in attendance at the hearing held in the House last year, that you recognize the change in the Park Service's position on this particular measure. As you recall at the last hearing, the Park Service strongly opposed any study. If you notice what Mr. Galvin said today, they had dropped their opposition to a study, so I think that is good news.

Let me welcome you to the committee, and let us begin with Mr. Salmon. Let me say also that I do not know more persuasive advocates on any issue than all of you have been. That is in part because of your own commitment and knowledge in the area. I think it is to your credit that you have acted so responsibly and convincingly.

STATEMENT OF EDWARD H. SALMON, DEPUTY DIRECTOR,
CUMBERLAND COUNTY, NJ

Mr. SALMON. Senator Bradley and members of the committee, it is really an honor for us to be here in Washington, D.C. today. We think today is a good day for the Southern part of the State of New Jersey as we try to preserve a way of life in South Jersey.

I think that one of the things that came key to my mind in your statements was that you talked about a very scenic canoeing area. When you speak of canoeing, you had a much better example of hospitality on that river than Mayor Lippincott and I, because I know Don Fauerbach had you out on the river and you had a chance to see the river.

He had Mayor Lippincott out on the river but he turned our canoe over on us. In fact we are still hunting for the Mayor's glasses. They are on the bottom of one of those rivers somewhere.

Cumberland County finds itself at a major crossroads as our residents prepare for a coming and inevitable wave of development which is vital for our future. As you know, Senator, with the completion of Route 55 going to occur in 1989, we are going to have tremendous growth and economic development in our area.

As we welcome these new economic opportunities which await us, we also recognize this is our last chance to preserve those natural resources which mark our house and home as unique and special.

We have come to recognize that we must act now to be sure the beautiful spots in our county are left unspoiled, so that future generations can enjoy the same harmony with nature we share today.

We truly believe that a coordinated effort by federal, state, county and local government undertaken now can allow us to grow and prosper by protecting our heritage.

Cumberland county is fortunate to be represented by an enlightened delegation of elected federal officials who all believe as we believe.

We say that sincerely, we do feel we are fortunate to have a Bill Bradley, a Frank Lautenberg, and a Bill Hughes representing us here in Washington, D.C. They have all taken time, they have done their homework. They have all taken time to come to the region, to appreciate the Maurice, Manumuskin, and Menantico Rivers, which are worthy of inclusion in the National Wild and Scenic River System.

To see the Maurice, Manumuskin and Menantico Rivers is to know that natural wonders can coexist with man, as long as man maintains respect for his fragile environment.

In Cumberland County, we live at the virtual center of our nation's largest metropolitan corridor. But we wish to be spared the pollution and over-population that all too often follows the mark of progress.

These three rivers which we ask you to formally study under the National Wild and Scenic Rivers Act harbor abundant wildlife, much of which is on the endangered species list.

Naturalists tell us that no other area in New Jersey is blessed with the abundance of rare and endangered specified as is these three river corridors.

Our national symbol, the bald eagle, is on the rebound here, thanks to extraordinary efforts to bring this majestic bird back to the habitat uniquely suited for its breeding. An ever increasing abundance of scientific data is being collected by various groups, both public and private, which document the sensitive nature of the river environment.

It is my privilege to introduce to you two Mayors, a conservationists, and a planner, four gentlemen who will provide you with additional information.

You will hear from Mayor John Feltes of Maurice River Township, Mayor Sumner Lippincott of Millville, Don Fauerbach, who has worked tremendously as a citizen and a conservationist and also in forming a conservation citizen advisory board. And also our Director of Planning, Steve Kehs. They join with me in asking that the United Senate expediate passage of Senate bill 251, the companion bill to House bill 14, which has already been unanimously passed by your colleagues in the House of Representatives.

I think I would just like to finally summarize, Senator, by saying I think one of the things that we appreciate with your representation here in the United States Senate, is your concern for the environment. And it is represented by your willingness to be places, and also to stand firm on trying to maintain what we want to preserve, and what we want to preserve not only for our children, but for our children's children.

Senator BRADLEY. Thank you very much, Director Salmon, for the comment and also the testimony.

Mayor Feltes.

STATEMENT OF JOHN FELTES, MAYOR, MAURICE RIVER TOWNSHIP, NJ

Mayor FELTES. Mr. Chairman, Senator, the Maurice River Township's citizens and elected officials are extremely pleased with the support we are receiving in Washington, in an effort to have our valuable rivers given a federal study.

I wish to personally thank Senator Lautenberg, Senator Bradley, and Congressman Hughes for taking their time from their busy schedule to visit our beautiful rivers and sample their charms.

Those who see these three rivers, the Maurice, the Manumuskin, and the Menantico, quickly fall in love with them. Those who travel on these rivers quickly learn that they are the heart and soul of Maurice River Township.

It has been this way since the first Swedish settlers found the river resources would be as bountiful to them as they had been to the native Indians who first lived along the waterways.

Since those Colonial days, boatbuilders, commercial fishermen, crabbers and oystermen have constantly struck the proper balance with nature, so that they could continue to earn a living without ruining the resources that made their work possible.

Most of this work centers on the Maurice River, while its tributaries, the Manumuskin and the Menantico have remained virtually untouched. The purity of these untampered waterways have allowed a wide variety of wildlife, and not only to survive, but to thrive.

A hodge-podge of rules and regulations from government gives limited protection to limited sections of these rivers.

People in our area don't always take kindly to outside government dictating do's and don'ts. But we have come to the realization that the previous efforts were well-intended, if not always 100 percent effective.

We in Maurice River Township realize it's now time to pull together all the previous work and create a comprehensive federal plan which will serve as a guideline for future generations.

The tool we need is a Wild and Scenic Rivers Study and designation.

Senator BRADLEY. Thank you very much, Mayor Feltes, for your testimony.

Mayor Lippincott.

**STATEMENT OF SUMNER N. LIPPINCOTT, MAYOR, CITY OF
MILLVILLE, NJ**

Mayor LIPPINCOTT. Senator Bradley, Mr. Chairman, Mr. Salmon mentioned our incident on the Menantico when we did take a swim, and there's a rumor that's been around in Cumberland County for the past two summers that there's a large fish wearing a pair of tinted glasses. So far no one has been able to catch the fish.

Millville's City Commissioners and the more than 24,000 citizens we represent back the effort to provide long-term protection to the Maurice, Menantico, and Manumuskin Rivers.

We are upriver from Maurice River Township, and have always appreciated the splendid natural resources we have in our waterways.

Millville is an urban center, but we have always enjoyed a special relationship with Maurice River Township, and Commercial Township as we all share the Maurice River.

The Maurice River cuts through the very center of Millville, and is now the centerpiece of an ambitious project, which will upgrade and revitalize our waterfront.

We all recognize that certain sections of the Maurice River are suitable for commercial use, while other portions of the three rivers must be treated very delicately.

We look to the Wild and Scenic Rivers study to help us inventory these rivers, then give us guidance on how to manage the resources so they are not destroyed by expedient and thoughtless actions.

Thank you very much.

Senator BRADLEY. Thank you very much, Mayor Lippincott.

Now I would like to recognize Donald Fauerbach of the Citizens United to Protect the Tidal Maurice River. I might say that it was Mr. Fauerbach on a very cold November day that took me on my tour of the Maurice and Manumuskin, and I can only express appreciation for his skillful navigation, because to have fallen in a river that day, I think, would have endangered this hearing.
[Laughter.]

Mr. Fauerbach.

STATEMENT OF DONALD L. FAUERBACH, TRUSTEE, CITIZENS
UNITED TO PROTECT THE MAURICE RIVER AND ITS TRIBUTAR-
IES

Mr. FAUERBACH. Thank you. I apologize for the preceding reputation. [Laughter.]

For the record, my name is Donald L. Fauerbach and I reside in the village of Port Elizabeth. I am an eighth generation resident. My fifth great grandfather, William Carlisle settled along the Maurice River in the village of Leesburg as a hoop-pole maker in the late 1700's. Two of my great grandfathers were sea captains with homes on the Maurice River.

Our organization, the Citizens United to Protect the Maurice River and Its Tributaries, Inc., was established in 1979 with a major goal; the continued preservation of the Maurice River Valley. At that point in time we concluded there should be a strong local conservation voice in addition to recognized regional and national organizations that were maintaining important ecological and cultural files regarding the Maurice River and its tributaries.

With this goal in mind, we continued to work closely with all levels of government, in order to provide sound data that will enable decision makers to enact regulations that parallel the goals of our organization. At this time we would like to add the fact that the New Jersey Audubon Society, through its Executive Director, Tom Gilmore, supports Congressman Hughes' bill H.R. 14 and U.S. Senators Bill Bradley and Frank Lautenberg's companion Senate bill S. 251.

Many other responsible conservation organizations support this legislation.

As part of the national Wild and Scenic Rivers System process, the elected officials of all municipalities involved and Citizens United have been briefed by Department of Interior officials regarding the lengthy systematic designation process. From our viewpoint, the most attractive part of the process is that the plan will be developed with substantial input from adjacent property owners, area conservation groups and local government.

One of my personal favorite pastimes, as previously noted, for the last 30 years or so, has been sharing the scenic, ecological and historical attributes of the Maurice River and its tributaries with friends, relatives, bureaucrats, and our many international business associates.

We are always gratified with the compliments we receive from our guests regarding their visit to our special area. More often than not we are informed that we have the best kept secret on the Eastern seaboard.

We agree. Our challenge today is to work cooperatively with the federal government to create a plan that knowingly will reveal our little secret, and at the same time maintain the best kept wild and scenic rivers on the eastern seaboard.

We invite each of you, the other Senators that have gone, we invite them and their staff, family, to visit our area at their convenience. We would be proud to show them the majestic fleet of well-preserved oyster skimmers, historic sites of grist and sawmills,

early glass-making shops, archaeological intriguing sites spanning archaic and woodland periods. Beautiful pinelands, historic villages with their colonial architecture, the diverse wildlife, and if we're fortunate, we will get a glimpse of our national symbol on one of his or her favorite perches along either the Maurice, the Manumuskin or the Menantico Rivers.

At this time I want to inject one short note.

On February first of this year, we were personally honored with a visit from a Mr. Hiroshi Takahashi, President of Nihon Medical Company of Tokyo, Japan, one of our laboratory supply distributors, along with his entire family. We spent four hours that Sunday afternoon observing New Jersey's only pair of breeding bald eagles feeding on the meadow directly across the river from our home.

At this time I would like to read two small excerpts from a recent letter received from Mr. Takahashi regarding his visit.

I am still deeply impressed to be in your household, to see Mr. Snowman's hearty welcome smile, the dignified Mr. Eagle, and the beautiful sunset. Though we were only able to see a small part of Millville, my wife and I, and of course our son were delighted to find that you, your family and neighbors live in such a wonderful town amid an environment full of variety in all seasons, sincerely, Mr. Hiroshi Takahashi.

Concurrent with these statements, we pledge our time, our knowledge, and our files to the Interior Department, should this legislation be approved. Thank you.

Senator BRADLEY. Mr. Fauerbach, thank you for your testimony. It has the quality that only an eighth generation resident of the area could give to this kind of legislation, and it adds greatly to the record. Thank you very much. Mr. Stephen Kehs, Director of Planning, Cumberland County Department of Planning and Development, welcome to the committee.

STATEMENT OF STEPHEN L. KEHS, PLANNING DIRECTOR, DEPARTMENT OF PLANNING AND DEVELOPMENT, CUMBERLAND COUNTY, NJ

Mr. KEHS. Thank you, Senator, and good morning.

In addition to the testimony which has been presented by other members of our delegation, I would like to summarize some additional salient evidence, which we have gathered regarding the importance of the Maurice, the Manumuskin, and the Menantico Rivers. These rivers possess significant ecological, archeological, cultural and historical attributes that deserve the recognition and protection that a Wild and Scenic River designation would provide.

We wish to present you with facts that will lead you to support Senate bill 251 introduced by Senators Bill Bradley and Frank Lautenberg, which designates these special rivers for study and consideration for inclusion in the National Wild and Scenic Rivers System.

The Maurice River estuary is known internationally for its wildlife resources. Consider the international shorebird surveys whose database includes records from 23 countries in the Western Hemisphere. Wetlands, near and adjacent to the Maurice River, are one of two key staging areas during migration, the other being in Kansas.

According to ornithologist Brian Harrington of International Shorebird Surveys, shorebird populations are extremely vulnerable to loss of these areas. New Jersey State wildlife biologist Fred Ferrigno states in an April 1986 memorandum, large populations of black ducks and other waterfowl annually concentrate in all three rivers during extensive freeze-ups. Since this area is one of the remaining beautiful national areas with excellent water quality, there waterfowl were never in jeopardy. An important source of food for migrating waterfowl, is *Zizania Aquatica*, wild rice. The largest population of this plant in the State of New Jersey exists along the shores of these three valuable rivers.

The Maurice, Manumuskin and Menantico watersheds also provide unique habitats for rare and endangered species. A report of the New Jersey Office of Natural Lands Management identified 12 threatened vascular plants within the Manumuskin watershed alone. Two of these plants, the *Aeschynomene virginica* and *Eriocaulon parkeri* are candidates for Federal listing as endangered, pursuant to U.S. Endangered Species Act of 1973.

Of particular note is the globally endangered plant, *Aeschynomene virginica*, the sensitive joint vetch. The Nature Conservancy, a national conservation organization, states that the largest and most viable population of this plant, the sensitive joint vetch left in the world grows on the banks of the Manumuskin River in Cumberland County, New Jersey.

Because of its pristine water quality, exemplary tidal marsh community, and undeveloped drainage basin, the Nature Conservancy has identified the Manumuskin River as the best opportunity to protect the sensitive joint vetch in the world today.

To that end, the Conservancy has targeted this area as one of its highest priorities in the country, and has expended considerable resources to date.

Rare and endangered animal species are also known to these rivers and adjacent lands. Herptiles, including the Pine Barrens Treefrog, the Southern Gray Treefrog, Tiger Salamander, Corn Snake and critical nesting habitat of the Northern Pine Snake according to a 1986 report from herpetologist Robert Zappalorti, Executive Director of Herpetological Associates, Inc.

Rare birds, including the New Jersey endangered Least Tern and threatened Osprey, both of which nest along these rivers.

A rare mammal, the March Rice Rat, and even a rare insect, the Allegheny Mound Ant are known to occur here. Within the past week, there has been a confirmed sighting of the Tuckahoe Masked Shrew, a candidate for national endangered species designation.

The New Jersey Department of Environmental Protection has extensive files regarding wildlife diversity in the New Jersey Menantico Ponds Wildlife Management Area.

Cumberland County's most distinguished wildlife, is the last breeding pair of the federally endangered Bald Eagle that remain in the State of New Jersey. When the chicks hatch in the early spring, the story is always front page headlines in major newspapers.

A 1986 report from the New Jersey division of Parks and Forests stresses that in order to protect the home range of this pair of bald eagles, the Maurice, Manumuskin, and Menantico Rivers must be

preserved. Mark Hedden, New Jersey State DEP consultant, who has been conducting research on the bald eagle over the past five years, has testified that the Maurice, Manumuskin, and Menantico watersheds are a primary feeding area for bald eagles, for those bred in New Jersey as well as migrants. No where else in New Jersey do you see bald eagles in this number, both summer and winter.

In fact, between November 23, 1986 and February 15, 1987, this pair of eagles was cited at the confluence of these three rivers on many occasions, including a documented period of 19 consecutive days between January 1 and January 19, 1987.

Of great ecological significance is not only the rarity of certain species found in this area, but the tremendous biological diversity that is found here; 228 species of birds have been sighted along these rivers, and 86 nest there. Over 30 diverse species of fish are found in these rivers.

The plant species diversity has prompted the Nature Conservancy to state that within the Maurice River system, is New Jersey's best example of fresh water tidal marsh.

Similarly, Dr. Wayne Ferren, Jr. of the University of California, Santa Barbara described the Manumuskin wetlands as one of the best examples of wetland transitional between brackish and freshwater, and in a region transitional between Inner Coastal upland vegetation and Pine Barrens.

The ecological sensitivity of the Maurice, Manumuskin, and Menantico area is part of the consequence of the extremely high water quality of these rivers. The Manumuskin is one of only two streams out of 80 sampled in the one million acre Pinelands National Reserve found to have pristine water quality.

In another study conducted by Pollution Abatement Consultants and Services in 1984, the results demonstrated that the water quality of the Menantico River meets pristine standard in all areas except total suspended solids. The higher suspended solids results are due to the velocity of the water at the point of sampling. The Menantico would probably be within pristine limits at points on the river where the channel is wider and therefore producing a less turbulent current flow.

In 1980, the New Jersey Pinelands Commission authorized a Critical Areas Study, which rated the ecological importance of Pinelands areas. On a scale of 1 to 50, the entire Manumuskin River drainage basin was given the highest ecological sensitivity rating of 50 plus, and deemed to be of critical ecological significance to the Pinelands, and further, according to the Pinelands comprehensive management plan, this area qualifies for special protection.

It is our firm belief that as more studies are conducted and more information becomes available, it will be apparent that this area is home to the largest concentration of wild and endangered species anywhere in the state.

This study is proposed at a critical time, and, Senator Bradley, I would like to emphasize the next several points.

Local government and local conservation organizations have already prepared considerable data relevant to this study. We stand ready as a community to assist the federal government in this effort, and to offset the need for significant federal resources.

The State Planning Commission is working to prepare a new plan for New Jersey. In conjunction with county and municipal government, the Wild and Scenic Rivers Study would provide a tremendous opportunity for all levels of government to work together to protect these wonderful treasures, the Maurice River and its tributary. Thank you.

Senator BRADLEY. Thank you very much, Mr. Kehs, and let me thank the whole panel.

I think that the testimony in full really demonstrates that both local and county governments, citizens committees, and the environmental experts actually fully endorse and support the idea of a study to include these three river systems in the Wild and Scenic Rivers Systems.

I think that kind of broad-based support as well as the evidence that you brought, historical, scientific, governmental, will move us much further along the path toward getting this study accomplished. I want to thank you very much for your testimony, and for taking the time for coming to Washington today to offer it to the committee.

Please do not take an absence of questions as anything but a very strong endorsement of the thoroughness and quality of your testimony. Thank you very much.

Mr. SALMON. Thank you.

Senator BRADLEY. Our last witness is Mr. Daniel Kipp, who is Treasurer of the Union Land and Grazing Company.

Mr. Kipp, welcome to the committee and let me also welcome your family, who not so often has a chance to see their father and husband testify before a congressional committee. This a day which I hope you will remember.

Mr. Kipp, welcome to the committee.

STATEMENT OF DANIEL T. KIPP, TREASURER, THE UNION LAND AND GRAZING CO.

Mr. KIPP. Thank you, Mr. Chairman.

My name is Daniel Kipp and I am treasurer of the Union Land and Grazing Company. I am speaking here today on behalf of the company, the New Mexico Cattle Growers' Association, and the Colorado Cattlemen's Association. My testimony of July 31, 1986 before the House Subcommittee on National Parks and Recreation contains a complete expression of our views, and I would request that that testimony be made a part of the record of this committee as well.

Senator BRADLEY. That will be made a part of the record.

Mr. KIPP. I might add that the Union Land and Grazing Company was incorporated in New Jersey on August 11, 1885, and has long and respected history in New Mexico. The overriding concerns of ranchers who currently own segments of the Santa Fe Trail are the fear of condemnation of private lands by the federal government for purposes of the trail, and public access on private lands.

The legislation which passed the House of Representatives and which is currently proposed in the Senate prohibits the government from acquiring private lands by condemnation or otherwise without the consent of the affected landowners. Thirty-six miles of

the Santa Fe Trail are located on the Fort Union Ranch which I manage.

At this time I would like to show you a map of the ranch which highlights the trail location on the ranch, and might help you visualize the operational difficulties, which public access would present to the ranch. Other ranches would have similar problems resulting from public access as well.

Approximately 90 percent of the Santa Fe Trail is located on private land. Representation on the advisory group, whose responsibility it will be to develop a comprehensive management plan for the Santa Fe Trail and to oversee the continuing operation of the trail should reflect this large private ownership.

Thank you for the opportunity to speak before the committee today.

[The prepared statement of Mr. Kipp follows:]

TESTIMONY ON THE SANTA FE TRAIL
by Daniel T. Kipp, Treasurer
of The Union Land and Grazing Company
March 27, 1987

Mr. Chairman and members of committee, my name is Daniel Kipp, and I am treasurer of The Union Land and Grazing Company. I am speaking here today on behalf of the company, the New Mexico Cattle Growers' Association, and the Colorado Cattlemen's Association. My testimony of July 31, 1986, before the House Subcommittee on National Parks and Recreation contains a complete expression of our views, and I request that testimony be made a part of the record of this committee as well.

The overriding concerns of ranchers who currently own segments of the Santa Fe Trail are the fear of condemnation of private lands by the federal government for purposes of the trail and public access on private lands. The legislation, which passed the House of Representatives and which is currently proposed in the Senate, prohibits the government from acquiring private lands, by condemnation or otherwise, without the consent of the affected landowners. Thirty-six miles of the Santa Fe Trail are located on the Fort Union Ranch which I manage. At this time I would like to show you a map of the ranch which highlights the trail location on the ranch and which might help you visualize the operational difficulties which public access would present to the ranch. Other ranches would have similar problems resulting from public access.

Approximately 90 percent of the Santa Fe Trail is located on private land. Representation on the advisory group, whose responsibility it will be to develop a comprehensive management plan for the Santa Fe Trail and to oversee the continuing operation of the trail, should reflect this large private ownership.

Thank you for the opportunity to speak before the committee today.

The Union Land and Grazing Company
121 E. Pikes Peak, No. 221
Colorado Springs, CO 80903
(303) 630-1706

Fort Union Ranch
Watrous, NM

Daniel T. Kipp, Treasurer

July 31, 1986

Members of the House of Representatives
Subcommittee on National Parks and Recreation
Washington, D.C. 20515

Re: H.R. 4794 and H.R. 5188
Santa Fe Historic Trails Bills

To the Members of the Committee:

Mr. Chairman, my name is Daniel Kipp, and I am Treasurer of The Union Land and Grazing Company. I am speaking here today on behalf of the Company, the New Mexico Cattle Growers' Association, and the Colorado Cattlemens' Association.

The Union Land and Grazing Company was incorporated more than 100 years ago in 1885 and has been the sole and continuous owner of the 95,000 acre Fort Union Ranch located in northeastern New Mexico. The Fort Union Ranch has been and currently is operated as a working cattle ranch. The ranch surrounds the Fort Union National Monument and is located at the confluence of the Mountain Branch and the Cimarron Cut-off portions of the Santa Fe Trail. The National Trails System Act, as amended, allows condemnation of private land up to 125 acres per mile of trail, or a tract of land 1031 feet wide and one mile long. Forty-five hundred acres of the ranch potentially could be condemned.

The Union Land and Grazing Company has an appreciation of the historic importance of the area. In 1954, the company donated to the Federal Government 720 acres for the establishment of the Fort Union National Monument. During this past week, ranch employees and horses participated in the annual Fort Union Days celebration at the National Monument. In addition, four miles of right-of-way for State Highway 477 were conveyed for public access through the ranch to the National Monument, and seven miles of right-of-way for Interstate-25 and two rest stops were conveyed. In sum, the company has done its share to preserve the history of the area and to allow public access through its land.

The ranchers and families that I represent are not opposed to the designation of the Santa Fe Trail as a national historic trail, provided that certain changes are made to the proposed legislation:

1. Participation by private landowners shall be voluntary. The ranching community is pleased that Congressmen Richardson and Brown both intend that their respective bills would require landowner consent for the acquisition of any private lands. It has been mentioned that condemnation would not be possible, because inclusion of private land must be accomplished at no expense to the federal government, and condemnation implies compensation. The term "without expense to the United States" is defined in Section 12 of the National Trails System Act as meaning "that no funds may be expended by Federal agencies ... for the acquisition of lands or interests in lands outside the exterior boundaries of Federal areas." Then follows the disclaimer, "For purposes of the preceding sentence, amounts made available to any State or political subdivision under the Land and Water Conservation Funds Act of 1965 or any other provision of law shall not be treated as an expense to the United States."

Currently, forty-one percent of New Mexico's land is owned by the federal government, fifteen percent by the state government, and eight percent by Indian tribes. During the past ten years, at least ten condemnation suits by the federal government have occurred each year. In view of the apparent intent of the federal government to acquire more private property, the private landowners of New Mexico and Colorado are very concerned about the status of their private property.

2. The Federal Government shall indemnify those private landowners who participate. Those landowners who voluntarily enter into agreements with the Federal Government should be protected by the Federal Government from lawsuits or claims resulting from the designation of the trail on their land as a National Historic Trail. Private landowners are reluctant to voluntarily allow trail crossings or to sell partial interests in their land for trail purposes when issues of personal liability, property damage, and trespass are uncertain.

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Matters of liability should be clearly resolved in the legislation designating the Santa Fe Trail as a national historic trail. If such matters are left to be resolved by negotiation by the respective parties, the federal government's advantage in such negotiations seems apparent.

3. The intent of the bill is to mark, identify, and interpret the Santa Fe Trail, and not to provide public access on the trail. Much of the trail can be experienced now from existing public access. The establishment of a uniform marker system along the trail at existing public access will enable the public to better understand the trail remnants.

Public access on private ranch land would create intolerable operating conditions. All ranches containing portions of the Santa Fe Trail would be impacted, to varying degrees, by game and livestock poaching, trespass, property damage, and liability. Cattle ranching operations cannot be safely performed in an environment of unregulated public access.

4. Affected private landowners should be consulted in the development of the comprehensive management and use plan for the Santa Fe Trail. The advisory council established to oversee the continuing operation of the trail should also include representatives of the affected private landowners.

The organizations and individuals represented by me recommend four specific changes to H.R. 4794, introduced by Congressman Richardson. With appropriate modifications, they also apply to H.R. 5188, introduced by Congressman Brown.

- I. Eminent Domain. On page 2, line 13 of H.R. 4794, after the word "States" add "; provided, that no land, interests therein, or access across lands which are outside the exterior boundaries of the federally administered areas may be condemned or otherwise acquired by the Federal Government for the Santa Fe Trail unless the affected private landowner has entered into a written agreement with the Federal Government consenting thereto.
- II. Indemnification. On page 2, after addition of the eminent domain language above, add "If a private landowner enters into such agreement,

-4-

the Federal Government shall indemnify and hold harmless the private landowner from and against any suit or claim made by or on behalf of any person for injuries or death incurred by such person which arises out of the use, operation, development and maintenance of trail areas.

- III. Trail Markers. On page 2, line 21 of H.R. 4794, after the word "agency," add "Any such markers associated with the Santa Fe Trail which are to be located on privately owned lands may be placed on such lands only with the consent of the landowner."
- IV. Consultation. On page 3, line 1 of H.R. 4794, after the word "States," add "and affected landowners,"

You are aware of the continuing economic problems facing much of the farm and ranching community. Please do not pass legislation which would exacerbate those problems. The amendments proposed herein are consistent with the intent of the legislation and protect the rights of private property owners as well.

Thank you for your consideration.

Daniel T. Kipp

Daniel T. Kipp

Senator BRADLEY. Mr. Kipp, thank you very much for your testimony. I think that the Santa Fe Trail bill is obviously one that is of interest to the Senators from New Mexico and Colorado, but I also think that it has national interest as well.

Even if the Union Land and Grazing Company was not begun in New Jersey, it would still have my interest. That adds a little special flavor to your testimony. Let me thank you and your full statement will be made a part of the record.

I think you have added a great deal to the hearing and to the information that the committee has as we think about the Santa Fe Trail designation. Thank you very much, and I hope that in maybe a few years we will be able to entertain the next generation of Kipps before the committee testifying on some important issues.

Thank you very much.

Thank you. That concludes the Subcommittee's hearing today on S. 251 and S. 349. The Subcommittee will stand in adjournment.

[Whereupon at 12:10 p.m. the hearing was adjourned.]

[Subsequent to the hearing the Subcommittee received the following:]

TESTIMONY OF CHRISTOPHER N. BROWN

VICE PRESIDENT AND CONSERVATION DIRECTOR, AMERICAN RIVERS

On

S. 251, a bill to designate the
Maurice, Manumuskin, and Menantico Rivers
in New Jersey as study rivers
for potential inclusion in the
National Wild and Scenic Rivers System.

Before the Senate Subcommittee on Public Lands, Reserved Water,
and Resource Conservation

Friday, March 27, 1987

Thank you Mr. Chairman, for the opportunity to testify on S. 251 concerning the designation of the Maurice, Manumuskin, and Menantico Rivers in New Jersey for study as potential additions to the National Wild and Scenic Rivers System.

We are pleased to have the opportunity to work with the Subcommittee again this year on this and other river protection proposals.

My name is Christopher Brown, and I am the Vice President and Conservation Director of American Rivers. American Rivers is the only national conservation organization dedicated exclusively to protecting, as free-flowing natural systems, our common bounty of rivers and their associated landscapes. In our 14-year history, American Rivers has worked to protect 7,200 miles of rivers under the Wild and Scenic Rivers Act and has actively assisted states and local groups with their river conservation efforts. American Rivers has nearly 8,000 members nationwide.

Resource Values

The Maurice, Manumuskin, and Menantico Rivers, lying on the boundaries of the Pinelands National Reserve in Southern New Jersey, are remarkable examples of eastern coastal plain rivers. Their outstanding natural, cultural, and scenic qualities make all three rivers outstanding candidates for study for the federal Wild and Scenic System.

These three rivers are an important physical and biological link between the Pinelands Reserve, an internationally designated Biosphere Reserve, and the Delaware Bay, which is now a Priority Estuary under the newly established National Estuary Program of the Water Quality Act of 1987.

The segment of the Maurice River being considered for study, is a wide, open, tidal channel dominated by wetlands. These wetlands provide important habitat for the federally-endangered bald eagle and osprey as well as some 23 important species of reptiles and amphibians, including the endangered tiger salamander and the corn and pine snakes. Also in the watershed is a threatened and endangered federal plant species, the Parker's Pipewort (*Eriocaulon parkeri*).

The Maurice, which flows into the Delaware River Bay, has several historical landmarks of the once-thriving and economically significant industry of oyster harvesting and processing. This rich natural and cultural heritage led the Maurice to be listed among the top 2% of the nation's rivers in the 1982 Nationwide Rivers Inventory, published by the National Park Service. Today, the river continues to be used for commercial and recreational fishing and it feeds directly into the oyster seed beds and planting grounds of the Delaware Bay. Approximately one half of the lower Maurice basin lies within the Pineland boundaries.

The Pinelands Comprehensive Management Plan identified 16 "critical areas" in the lower Maurice watershed as possessing the second highest category of Critical Areas of Ecological Importance Values. These are resource values

which have been identified as being necessary to maintain the essential character and integrity of the Pinelands environment. The Pinelands Plan also recognizes as "Historic Sites of Interest" the communities of Port Elizabeth and Mauricetown, through which the Maurice flows.

The Manumuskin, a tributary of the Maurice, is also rich in ecological importance and diversity. It meanders through open freshwater wetlands which abound with wildflowers, as well as lightly developed upland forests of oak and pine. The Manumuskin was one of two rivers within the entire state determined by the U.S. Geological Survey to have a water quality rating of "pristine," meaning a completely undisturbed, natural river system.

Likewise the Menantico Creek is an important tributary of the Maurice and a third and critical part of this system of outstanding natural rivers of the eastern United States.

Perhaps the most significant resource in the watershed is the vegetation. Wild rice (*Zizania aquatica*) wetlands attract thousands of migrating waterfowl. The Nature Conservancy has purchased land along the river to study and properly care for the joint vetch (*Aeschynomene virginica*), another endangered plant species. This watershed is one of only six places in the world where the joint vetch is found. The New Jersey habitat along the Maurice River represents the largest and most viable population.

As with the Maurice, the Manumuskin has been identified as possessing qualities to include it in the Ecological Critical Area Importance Values in the Pinelands Comprehensive Management Plan. While the Maurice falls in the second highest category of importance, the Manumuskin contains the highest category of attributes deemed necessary to maintain the character and integrity of the Pinelands. Some two thirds of the Manumuskin watershed lie within the boundaries of the Pinelands.

Threats to the Resource

Today we have the opportunity to take a first step in protecting these rivers and their fragile landscapes. While the counties surrounding the Maurice, Manumuskin, and Menantico have a low population density, the threat of development along the rivers is imminent. The community has successfully blocked a number of proposals that would have developed the riverside land and the study of these rivers under the Wild and Scenic Rivers Act would undoubtedly lead to more protection.

An even greater long-term threat may affect the future of these rivers. The New Jersey State Hazardous Waste Siting Commission selected the Manumuskin as one of four sites to be considered as the future location of a hazardous waste disposal facility.

While the Wild and Scenic Rivers Act does not provide protection against non-federally funded projects on a river while it is being studied, the New Jersey Hazardous Waste Siting Commission has documented that a Wild and Scenic River will be used as a criterion for exclusion from further consideration in

the site selection assessment. Thus, action by this Congress will avert a potential threat to the fragile ecosystems of these rivers.

The eventual conservation strategy for the Maurice, Manumuskin, and Menantico Rivers may or may not involve federal management. Management for this basin will perhaps be more appropriate under Section 2(a)(ii) of the Wild and Scenic Rivers Act as a state-managed component of the national rivers system. The New Jersey Wild and Scenic Rivers System has the authority to use a variety of powerful land-use control tools and to guarantee state actions that are consistent with federal protection.

Thank you, Mr. Chairman, for your willingness to hold hearings at this early date. I appreciate having had the opportunity to testify, and I would be happy to answer any questions.



City of Independence

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March 11, 1987

The Honorable Dale Bumpers
Chairman
Sub-Committee on Public Lands
United States Senate
Washington, D.C. 20510

Dear Senator Bumpers:

I understand that you chair the Sub-Committee on Public Land.

I am writing on behalf of the people of our city regarding the Santa Fe Trail Bill.

Independence played a key role in the history of the Santa Fe Trail. We respectfully request that a hearing on this bill be scheduled as soon as possible. We are hopeful this bill will be passed during this session.

Thank you in advance for your kind consideration.

Sincerely,

Barbara J. Potts
Mayor

cc: Senator Danforth
Senator Bond
Senator Kassebaum
Senator Dole
Congressman Skelton
Congressman Wheat

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